

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS
WESTERN DIVISION

04-40001-
+
Chapter 11

No 03-43988-JBR

In re
Haverhill Technology Group, Inc
Debtor(s)

David M. Nickless, Trustee,
Plaintiff

v.

Creare, Inc. and Mountain Valley Indemnity
Company
Defendant

Adv. Pro.
No. 03-4275

TRUSTEE'S OBJECTION TO THE ASSENTED TO REQUEST OF MOUNTAIN
VALLEY INDEMNITY CO FOR DISTRICT COURT REVIEW
PURSUANT TO BANKRUPTCY RULE 9033

David M. Nickless, Trustee and Plaintiff, in the above matter objects to the "Assented-to" request of Mountain Valley Indemnity Co for review pursuant to Bankruptcy Rule 9033 stating as there reasons therefore:

1. While characterized as an "Assented-to" pleading, opposing counsel never contacted, nor to the best of the Trustee's knowledge, attempted to contact the Trustee to obtain his assent and no assent was ever conveyed, either expressly or implicitly.
2. Rule 9033 is inapplicable and to the extent the pleading could in any way be construed as an appeal it is late filed.

WHEREFORE David M. Nickless, Trustee prays that the Request be denied.

20th
12/29/04

/s/ David M. Nickless

David M. Nickless, Trustee

Nickless and Phillips

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Fitchburg, MA 01420

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CERTIFICATE OF SERVICE

I, David M. Nickless, do hereby certify that I will immediately upon receipt of the notice of electronic service serve a copy of the within pleading by mailing same to any of the parties listed below not noted as having received electronic service.

Ryan C. Siden, Esq.
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Dated: December 9, 2003

/S/ David M. Nickless

David M. Nickless